BOMBAY ACT No. XII OF 1866.

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SCHEDULE.

BOMBAY ACT No. XII OF 1866.

(*The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 11th July, 1866.*)

An Act to declare the constitution of Courts of Civil and Criminal Judicature in the Province of Sindh.

WHEREAS it is expedient to declare by law the constitution of the Courts of civil and criminal judicature in the Province of Sindh, and to provide for the due administration of justice therein; It is declared and enacted as follows:— Preamble.

1. There shall be in the Province of Sindh a Sadr Court, which shall be the highest Court of appeal in civil and criminal matters in the said Province, Sadr Court.

within the meaning of the Codes of Civil [a] and Criminal [b] Procedure. The Sadr Court shall be presided over by a Judge appointed by the Governor of Bombay in Council, and such Judge may also be the Judicial Commissioner of the Province of Sindh. XIV of 1882. X of 1882.

District Courts.

2. There shall be in each district in the Province of Sindh a District Court; and every such Court shall be presided over by a Judge appointed by the Governor of Bombay in Council, by whom only he shall be liable to be suspended or removed.

Jurisdiction of District Court.

3. The District Court shall, within the meaning of the Code of Civil Procedure [a], be the principal Court of original civil jurisdiction in the districts in which it is established, and shall also exercise the jurisdiction vested in the Court of Session by the Code of Criminal Procedure [b], or by any other law for the time being in force in the Province of Sindh. XIV of 1882. X of 1882.

Subordinate Civil Courts.

4. There shall be, in each district in the Province of Sindh, so many subordinate Civil Courts as the Governor of Bombay in Council, acting under the general control of the Governor General of India in Council, shall from time to time direct.

Every such Court shall be a subordinate Court of original civil jurisdiction within such limits as the Commissioner in Sindh, with the sanction of the Governor of Bombay in Council, shall from time to time determine, and shall be presided over by a Judge appointed by the Commissioner in Sindh.

Jurisdiction of subordinate Civil Court.

5. Unless otherwise provided by any law for the time being in force, the jurisdiction of every such subordinate Court shall extend to all suits and proceedings of a civil nature wherein the value or subject-matter of the claim shall not exceed five thousand rupees.

Regular appeals to Sadr Court.

6. A regular appeal shall lie from the decisions of the Judge of a District Court in the exercise of his original civil jurisdiction to the Sadr Court, whenever such appeal is allowable under the Code of Civil Procedure [a], or under any other law for the time being in force in the Province of Sindh. XIV of 1882.

Applications may be forwarded to Sadr Court by post.

7. It shall be lawful for the Sadr Court to receive applications forwarded by post, duly registered, and to proceed thereupon in the same manner as if such applications had been presented in person or by pleader, any law to the contrary notwithstanding.

Regular appeals to District Court.

8. A regular appeal shall lie from the decisions of the Judge of a subordinate Court to the District Court of the district within which such subordinate

[a] This reference should now be read as applying to Act XIV of 1882—see s. 3 of that Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

[b] This reference should now be read as applying to Act X of 1882—see s. 3 of that Act. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

Court is situated, whenever such appeal is allowable under the Code of XIV of 1882. Civil Procedure [a], or under any other law for the time being in force in the Province of Sindh.

Removal of Judge of subordinate Civil Court.

9. It shall be competent to the Sadr Court to suspend or to remove from office, for misbehaviour or neglect of duty, any Judge of a subordinate Court.

Appointment and removal of officers of Sadr, District and subordinate Courts.

10. It shall be lawful for the Judge of the Sadr Court to appoint to such Court, and for the Judge of a District Court to appoint to such Court and to the subordinate Courts of that district, so many and such officers as the Governor of Bombay in Council, acting under the general control of the Governor General of India in Council, shall from time to time direct, and, for misbehaviour or neglect of duty, to suspend or remove any such officer:

Provided that no officer who is in receipt of a monthly salary amounting to thirty rupees shall be removed without the sanction of the Sadr Court:

and provided also that all bailiffs, messengers, peons and ministerial servants of a subordinate Court who receive a monthly salary not exceeding ten rupees shall be appointed by the Judge of such Court, by whom also they may be suspended or removed.

Seal.

11. Every Court shall use a seal on which shall be engraved the title of such Court.

Certain laws extended to Sindh.

12. The provisions of Regulation VIII of 1827 [b] of the Bombay Code (*"A Regulation to provide for the formal recognition of heirs, executors and administrators, and for the appointment of administrators and managers of property by the Courts"*), and of Act XIX of 1841 [c] (*"An Act for the protection of moveable and immoveable property against wrongful possession in cases of successions"*),[d] are hereby extended to the Province of Sindh.

13, 14. [*Affidavits and affirmations.*] *Repealed by Act XVI of 1895.*

Execution of decrees for debt against certain privileged persons.

15. No decree for payment of debt passed by any Court shall be executed against a defendant who is one of the persons mentioned in the schedule [e], except in such manner as shall be directed in a special order by the Commissioner in Sindh, to whom a copy of the decree and of the application for execution shall be forwarded by the Court in which such application is presented.

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[a] This reference should now be read as applying to Act XIV of 1882—see s. 3 of that Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

[b] Printed in Vol. I of this Code, p. 11.

[c] Printed, General Acts, 1834-66, Ed. 1887, p. 33.

[d] Portion repealed by Act XII of 1873 is omitted.

[e] Words repealed by Bom. Act III of 1886 are omitted.

Power to make rules for admission and removal of pleaders; to remove and suspend them.

16. It shall be competent to the Sadr Court, with the sanction of the Governor of Bombay in Council, to make rules for the qualification and admission of proper persons to be pleaders in any Court in the Province of Sindh;

and it shall also be competent to the Sadr Court to remove or to suspend from practice, for misbehaviour, any person so admitted to be a pleader.

Publication of rules.

The rules made and sanctioned under this section shall be published in the Government Gazette.

Sadr Court to prescribe fees.

17. The Sadr Court shall from time to time prescribe and regulate the fees to be taken for any process issued by any Court the constitution of which is declared by this Act, or by any officer of any such Court, and also the fees which shall be payable in any suit or proceeding in any such Court by any party to such suit or proceeding in respect of the fees of the pleader of any other party to such suit or proceeding.

Publication of table of fees.

Tables of the fees so prescribed shall be published in the Government Gazette.

18 to 20.—[*Validation and indemnification; cessation of jurisdiction.*] *Repealed by Act XII of 1873.*

Certain places excepted from operation of Act.

21. Nothing contained in this Act shall be construed to apply to that portion of the Province of Sindh which is now in charge of the Political Superintendent of Thar and Parkar; but all existing rules for the administration of justice in that portion of the said Province shall continue in force in the same manner as if this Act had not been passed:

Extension of Act to such places.

Provided that all or any of the provisions of this Act may, by an order of the Governor of Bombay in Council, to be published in the Government Gazette, be extended to the whole or to any part of the said portion of the Province of Sindh.

SCHEDULE [a].

(*Referred to in section 15.*)

1. His Highness Mír Hussain Alí Khán.
2. His Highness Mír Hassan Alí Khán.
3. His Highness Mír Sher Muhammad Khán.
4. His Highness Mír Imám Baksh Khán.
5. His Highness Mír Alí Madád Khán.
6. His Highness Mír Muhammad Khán.
7. His Highness Mír Shah Nawáz Khán.

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[a] This schedule was substituted for the original schedule by Bom. Act III of 1868, s. 1 For power to amend the schedule by notification, see s. 2 of the same Act, *infra*, p. 132.

8. His Highness Mír Abdul Hussain Khán.
9. His Highness Mír Shah Muhammad Khán.
10. His Highness Mír Khán Muhammad Khán.
11. Widow of H. H. Mír Núr Muhammad Khán, daughter of H. H. Mír Fateh Alí Khán.
12. Widow (second wife) of H. H. Mír Mír Muhammad Khán, daughter of H. H. Mír Fateh Alí Khán.
13. Wife of H. H. Mír Hussain Alí Khán, daughter of H. H. Mír Nasír Khán.
14. Wife of H. H. Mír Hasan Alí Khán, daughter of H. H. Mír Núr Muhammad Khán.
15. Wife of H. H. Mír Muhammad Khán, daughter of H. H. Mír Sobdár Khán.
16. Daughter of H. H. Mír Murád Alí Khán.
17. Widow of Mír Abdula Khán, daughter of H. H. Mír Núr Muhammad Khán.
18. Widow (third wife) of H. H. Mír Murád Alí Khán, daughter of Mubárak Khán Bhurgarí.
19. Widow (second wife) of H. H. Mír Núr Muhámmad Khán, daughter of Malik Sobdár Numriya.
20. Widow (third wife) of H. H. Mír Kuram Alí Khán, daughter of Malik Ahmad Khán Numriya.

BOMBAY ACT No. XIII OF 1866[a].

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 15th November, 1866.)

An Act to provide for the Attendance and Examination of Witnesses before the Council of the Governor of Bombay assembled for the purpose of making Laws and Regulations.

Preamble.

WHEREAS it is expedient to make provision for the attendance of witnesses before the Council of the Governor of Bombay assembled for the purpose of making Laws and Regulations and for the examination of such witnesses; It is enacted as follows:—

Governor may by summons require person to appear

1. It shall be lawful for the Governor of Bombay, by a summons under the hand of the Secretary, to require the attendance before the Council of the Governor of Bombay assembled for the purpose of making Laws and

[a] Bom. Act XIII of 1866 has been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the Province of Sindh—see Appendix to Vol. I of this Code, p. xxx iii.